

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:)	
)	
COLETTE E. KNIGHTEN,)	Case No. 22-41490-399
)	
Debtor.)	Chapter 7
)	
_____)	
)	
COLETTE E. KNIGHTEN,)	
)	
Plaintiff,)	
)	Adversary No. 22-04041-659
v.)	
)	
UNITED STATES OF AMERICA, on behalf)	
of the UNITED STATES DEPARTMENT)	
OF EDUCATION,)	
)	
Defendant.)	
_____)	

MOTION TO CONTINUE TRIAL DATE AND DISCOVERY DEADLINE

COMES NOW the United States of America, on behalf of its agency, the U.S. Department of Education, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorney for said District, and for its Motion to Continue Trial Date and Discovery Deadline, states as follows.

1. Plaintiff Colette E. Knighten filed her adversary complaint naming the U.S. Department of Education on September 22, 2022. *See* Doc. 1. Pursuant to this Court's scheduling order, this matter is scheduled for trial on November 29, 2022. *See* Doc. 2. Further, this Court has set a discovery deadline of November 15, 2022. *Id.*

2. On November 4, 2022, the United States filed a motion to dismiss this matter pursuant to Fed. R. Civ. P. 12(b)(6). *See* Doc. 7. The United States' motion is set for hearing at 10:00 am on November 29, 2022. *See* Doc. 8.

3. The United States respectfully requests this Court continue both the trial date and the discovery deadline to permit time to consider the United States' pending motion to dismiss. Presuming the Court wishes to reschedule this matter for trial on a Tuesday morning, counsel for the United States has conflicts on December 27, 2022, and January 3, 2023. Further, counsel for the United States is scheduled to be in a jury trial the majority of March 2023 in *United States ex rel. Cairns v. D.S. Medical et al.*, Case No. 1:12-CV-00004-LPR, and will not be available during that time.

4. This request is not being sought to unduly delay these proceedings or for any other improper reason.

WHEREFORE, the United States prays this Court issue an order continuing the trial date and discovery deadline this adversary proceeding.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Joshua M. Jones

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Certificate of Service

I certify that a true and correct copy of the foregoing document was filed electronically on November 8, 2022, with the United States Bankruptcy Court, and has been served on the parties in interest via email by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I further certify that on November 8, 2022, a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, to the following:

Colette E. Knighten
3559 Gordon Avenue
St. Louis, MO 63114

/s/ Joshua M. Jones
Assistant United States Attorney